

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.

**ORDER RE NOTICE OF
CHALLENGE OF JURISDICTION**


KURT F. JOHNSON, and DALE SCOTT
HEINEMAN,

Defendants.

Defendants Kurt F. Johnson and Dale Scott Heineman have filed a “notice of challenge of jurisdiction of file number 05-CR-00611-WHA,” in which they assert the lack of subject-matter jurisdiction. The filing is therefore construed as a motion to dismiss. As stated in the order dated February 28, 2008 (in response to defendants’ earlier motion to dismiss the indictment), the trial ended in November 2007 and defendants have been convicted. Judgment was entered. Moreover, they have also been sentenced and their case is on appeal. This notice or motion is therefore untimely and need not be addressed by the district court.

IT IS SO ORDERED.

Dated: May 23, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE